

**In The Matter Of:**

*Haydn Zeis, Administrator of the Estate of Jordn Miller v.  
Springfield Township, Ohio, et al.*

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*Officer Joseph Holsopple*

*Vol. 1*

*March 15, 2017*

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Haydn Zeis, Administrator of  
the Estate of Jordn Miller,  
Plaintiff,

vs.

**Case No. 5:16-CV-02331-JRA**

Springfield Township, Ohio,  
et al.,  
Defendants

PART 1 VIDEO DEPOSITION OF OFFICER JOSEPH HOLSOOPPLE  
the Defendant herein, called by the Plaintiff under the  
applicable Rules of Civil Procedure, taken before me,  
Whitney Layne, a Notary Public for the State of Ohio, at  
the Springfield Township Police Department, 2465 Canfield  
Road, Akron, Ohio 44312 on March 15, 2017 at 12:30 p.m.

LAYNE & ASSOCIATES  
6723 COOPERSTONE DRIVE  
DUBLIN, OHIO 43017

1 APPEARANCES

2

3 MICHAEL HILL, ESQUIRE  
4 EADIE HILL TRIAL LAWYERS  
5 3100 East 45th Street  
6 Suite 218  
7 Cleveland, Ohio 44127  
8 on behalf of the Plaintiff

9

10 GREGORY BECK, ESQUIRE  
11 MEL LUTE, ESQUIRE  
12 BAKER DUBLIKAR BECK WILEY & MATHEWS  
13 400 South Main Street  
14 North Canton, Ohio 44720  
15 on behalf of the Defendants

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1                   **March 15, 2017**  
2                   **Wednesday Session**  
3                   **12:30 p.m.**

4                   - - -

5                   **STIPULATIONS**

6                   It is stipulated by and among counsel for the  
7                   respective parties that the deposition of JOSEPH  
8                   HOLSOPPLE, the Defendant herein, called by the Plaintiff  
9                   under the applicable Rules of Civil Procedure, may be  
10                  taken at this time by the notary Whitney Layne; that said  
11                  deposition may be reduced to writing in stenotypy by the  
12                  notary, whose notes thereafter may be transcribed out of  
13                  the presence of the witness; and that the proof of the  
14                  official character and qualification of the notary is  
15                  waived.

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1 part of the investigation. I think I went to the autopsy  
2 on that, but that was it.

3 Q Did you go to the autopsy in this case, Jordn  
4 Miller?

5 A No, sir.

6 Q Did you ever speak to anyone from the medical  
7 examiner's office in this case?

8 A I think I might have -- no, no, that wasn't the  
9 medical examiner. I asked somebody if they had heard if  
10 he passed away. I think it was Jason Grom from the  
11 medical examiner's office. He was out on the scene for  
12 something else, and I said, "Did you hear if Mr. Miller  
13 had passed," and he told me yes. That was the extent of  
14 it.

15 Q Did you ever speak to anyone from the Summit  
16 County prosecutor's office about Jordn Miller?

17 A No.

18 Q Or this incident?

19 A Not that I'm aware of.

20 Q The Holcomb matter, this report of a man  
21 disrobing, was he in a field? Is that what you said?

22 A In a field or in a shed or near a shed, in a  
23 horse -- I know there was a horse barn close by.

24 Q And that report of disrobing, that's a sign or

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1      a warning sign of a condition -- some people call it  
2      excited delirium?

3      A      Yes.

4      Q      Have you heard that?

5      A      Yes.

6      Q      Do you agree with that?

7      A      Yes, sir.

8      Q      On September 8th, 2015, were you wearing body  
9      armor?

10     A      No, sir.

11     Q      How tall are you?

12     A      5'11.

13     Q      How much do you weigh?

14     A      260, 265, depending on what I had for lunch.

15     Q      Do you work out at all, lift weights?

16     A      I really haven't been in the gym in a long  
17      time. I do some pushup and situps at home.

18     Q      How about back in 2014, 2015? Were you working  
19      out?

20     A      Same.

21     Q      Did you have a Taser --

22     A      Yes.

23     Q      -- in September of 2015?

24     A      Uh-huh, yes.

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1 Q And is it your recollection that that training  
2 ended like 2008, 2009, something along those lines?

3 A I don't recall.

4 Q Did it seem to end about the time that Chief  
5 Smith, John Smith, became the chief here?

6 A I would -- I think so, yes.

7 Q I want to -- I'm going to read you some signs,  
8 some warning signs -- strike that.

9 I spoke with Officer Scherer at length about  
10 the warning signs, some of the warning signs of excited  
11 delirium. Okay?

12 A Yes, sir.

13 Q And I'm going to read some that he agreed to as  
14 being warning signs of excited delirium. I want to ask if  
15 you agree to that, okay?

16 A Yes.

17 Q He agreed mentally ill symptoms or symptoms of  
18 a mental illness are warning signs of excited delirium.  
19 Do you agree?

20 MR. LUTE: Objection.

21 Go ahead.

22 A I guess they could be.

23 BY MR. HILL:

24 Q Delusions or hallucinations are signs -- strike

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1       that.

2                  Delusions or hallucinations are signs that  
3                  police officers should consider, potentially, due to  
4                  excited delirium; true?

5                  MR. LUTE: Objection.

6                  You may answer if you know.

7                  A      Yes.

8                  BY MR. HILL:

9                  Q      Disorientation is a sign or symptom that police  
10                 officers should consider might be due to excited delirium;  
11                 true?

12                 A      Yes, sir.

13                 Q      Disorganized or incoherent speech are symptoms  
14                 or characteristics that police officers should consider  
15                 might be warning signs of excited delirium?

16                 A      Yes.

17                 Q      Shouting or yelling for no apparent reason are  
18                 activities that police officers should consider warning  
19                 signs of excited delirium; true?

20                 A      Yes, sir.

21                 Q      Agitation for no apparent reason is a warning  
22                 sign of excited delirium; true?

23                 MR. LUTE: Objection.

24                 Go ahead.

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1 A Yes, sir.

2 BY MR. HILL:

3 Q A report that a person has disrobed or is  
4 disrobing for no apparent reason is a warning sign of  
5 excited delirium; true?

6 A Yes.

7 Q A person's flailing their body parts and moving  
8 for no apparent reason is a warning sign of excited  
9 delirium; true?

10 A Yes.

11 MR. LUTE: Objection.

12 Go ahead.

13 THE WITNESS: Oh.

14 A Yes.

15 BY MR. HILL:

16 Q Any other warning signs of excited delirium  
17 that you're aware of that I didn't touch on?

18 A It sounds like you got all the ones that are  
19 pertinent.

20 Q The big ones; right?

21 A The ones I can think of.

22 Q When deciding whether to use force on a member  
23 of the public, police officers should consider the medical  
24 condition of that person; correct?

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1 Q So a police officer should take all steps  
2 possible to decrease the stress of such a person; true?

3 MR. LUTE: Objection.

4 You may answer.

5 A Yes.

6 BY MR. HILL:

7 Q When a police officer uses force, that can  
8 increase the physiological stress response of such a  
9 person; true?

10 A Yes.

11 Q Increased stress, physiological stress, can  
12 cause serious injury or even death; true?

13 A Yes.

14 Q Cause the heart to fail?

15 MR. LUTE: Objection.

16 You may answer if you know.

17 A I would assume. It can stop the breathing.

18 BY MR. HILL:

19 Q Stop breathing, right.

20 Positional restraint asphyxia occurs when a  
21 person's body position interferes with breathing; true?

22 A Yes.

23 Q This can be caused by a restriction on the  
24 chest's ability to expand; true?

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1 A I assume, yes.

2 Q It can be caused when the position of the head  
3 obstructs the airway; true?

4 A Yes.

5 Q It can be caused when anything is in the face  
6 or near the face or mouth obstructs the airway; true?

7 MR. LUTE: Objection.

8 You may answer.

9 A Yes.

10 BY MR. HILL:

11 Q Positional restraint asphyxia is a life-  
12 threatening medical condition; true?

13 A Say that again.

14 Q Positional restraint asphyxia is a life-  
15 threatening medical condition; true?

16 A Yes.

17 Q Positional restraint asphyxia can cause death;  
18 true?

19 A Yes.

20 Q When a person asphyxiates, they've stopped  
21 breathing; true?

22 A Yes.

23 Q When restraining an individual, officers must  
24 be sure to -- must make sure that nothing is obstructing

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1 the person's breathing or airway; true?

2 MR. LUTE: Objection.

3 Go ahead.

4 A Say it again.

5 BY MR. HILL:

6 Q When restraining an individual, police officers  
7 must be sure that nothing is obstructing the person's  
8 breathing; true?

9 MR. LUTE: Objection.

10 Go ahead.

11 A Yes.

12 BY MR. HILL:

13 Q And police officers have to be aware of the  
14 risk of positional restraint asphyxia whenever they're  
15 restraining a member of the public or a suspect; true?

16 A Yes.

17 Q Risk factors for positional restraint asphyxia  
18 include having the person in a face-down prone position;  
19 true?

20 A Yes.

21 Q When a person is engaged in a struggle, it  
22 increases the risk of positional restraint asphyxia; true?

23 A Yes.

24 Q And that's because more oxygen is being devoted

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1 asphyxia than members of the general public?

2 MR. LUTE: Objection.

3 You may answer if you know.

4 A Yes.

5 BY MR. HILL:

6 Q People who are under the influence of drugs are  
7 at a higher risk of positional restraint asphyxia; true?

8 A Yes.

9 Q People who are experiencing a condition  
10 sometimes described or called excited delirium are at a  
11 higher risk for positional restraint asphyxia; true?

12 A Yes.

13 Q Persons in a medical crisis are at a higher  
14 risk of positional restraint asphyxia; true?

15 MR. LUTE: Objection.

16 You may answer if you know.

17 A Yes.

18 BY MR. HILL:

19 Q Anything that causes the muscles in the body to  
20 contract rapidly or hard increases the risk of positional  
21 restraint asphyxia; true?

22 MR. LUTE: Objection.

23 You may answer if you know.

24 A I don't know.

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1 BY MR. HILL:

2 Q The application of a conducted electrical  
3 weapon increases the risk of positional restraint  
4 asphyxia; true?

5 MR. LUTE: Objection.

6 You may answer.

7 A True.

8 BY MR. HILL:

9 Q People exposed to repeated applications of a  
10 electrical-conducted weapon are at an even higher risk for  
11 positional restraint asphyxia; true?

12 MR. LUTE: Objection.

13 You may answer.

14 A Yes.

15 BY MR. HILL:

16 Q Those are all risk factors that compound upon  
17 one another; true?

18 MR. LUTE: Objection.

19 You may answer if you know that.

20 A I don't know if one heightens the other one,  
21 no, but they are things to look for.

22 BY MR. HILL:

23 Q Excited delirium is a life-threatening medical  
24 condition?

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1 underneath him?

2 A Just like -- well, after he bit Bubba, it was  
3 up more by his face. But at first it was more laying down  
4 and hitting, like under the chest part of his body.

5 Q Almost -- the way you're demonstrating is like  
6 if you were going to give yourself the Heimlich maneuver?

7 A Yeah, close to that.

8 Q And when you say Bubba was on top of him,  
9 that's at the beginning of the -- Jordn being on the  
10 ground?

11 A Yeah. I don't even know if he laid down on top  
12 of -- I don't think he did. I think he was just -- I  
13 don't think he -- I don't remember him laying, because --  
14 I don't remember Bubba being -- laying down on top of him  
15 at all. I only remember him on his -- standing or  
16 kneeling beside, you know -- beside him, or on his knees  
17 with him. But I don't remember him on top of him.

18 Q I only say -- you said that Bubba landed on top  
19 of him earlier, okay?

20 A I said Bubba went down after him, I think. But  
21 I don't --

22 Q I don't want to put words in your mouth.

23 A Right.

24 Q And we have a statement we can rely on.

**1** **CERTIFICATE**

**2 State of Ohio :**

**3 | County of Franklin:**

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5 I, Whitney Layne, Notary Public in and for the  
6 State of Ohio, duly commissioned and qualified, certify  
7 that the within named JOSEPH HOLSOOPPLE was by me duly  
8 sworn to testify to the whole truth in the cause  
9 aforesaid; that the testimony was taken down by me in  
10 stenotype in the presence of said witness; afterwards  
11 transcribed upon a computer; that the foregoing is a true  
12 and correct transcript of the testimony given by said  
13 witness taken at the time and place in the foregoing  
14 caption specified.

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16                   IN WITNESS WHEREOF, I have set my hand and  
17 affixed my seal of office at Dublin, Ohio, on this 23rd  
18 day of March, 2017.

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Whitney Payne

**Whitney Layne, Notary Public**

In and for the State of Ohio

My Commission expires May 4, 2020